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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CRM-M-11946-2024 (O & M)
Date of decision: 13.03.2024

Sohan Singh @ Soni Petitioner

V/s

State of Punjab ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Manish Verma, Advocate, for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in case FIR No.01 dated 03.01.2024 under Sections 420, 489-A, 489-B, 489-C and 120-B IPC registered at Police Station Sarabha Nagar, District Ludhiana.

2. The present FIR came to be registered at the instance of ASI Balveer Singh and reads as under:-

"To, Station House Officer, Police Station Sarabha Nagar, Ludhiana, Today I ASI along with police officials Jugraj Singh No. 3996/Ludhiana, Constable Jaswant Singh No. 2886/Ludhiana and Constable Dharampreet Chouhan no. 03/Ludhiana was on patrolling searching for bad elements on Govt. Vehicle PB 10 DM 3068, and the same was being driven by Constable Jaswant Singh and were present along with Laptop and laser printer near Verka Milk Plant Cut, Ferozepur Road, Ludhiana and then secret informer came and informed me that Mannu son of Tarsem Singh and his fellowmen Soni son of Karnail Singh resident of Jagraon, Bakhtaur Singh resident of Village Lohara, District Moga and they in conspiracy with each other, they are engaged in illegal trade of preparing fake Indian Currency notes. These persons have kept machine in the

house of Bakhtaur Singh resident of Lohara District Moga used for preparing fake Indian Currency notes. These persons commit fraud with innocent people by taking original note with them and then returning them by doubling the amount. Today Manny and Soni who are in car no. PB 10 HM 8996 white color i-20 are present near Oriental Cinema, Bhai Randhir Singh Nagar, Ludhiana and in large quantity fake currency notes can be recovered. This information seemed to be credible and strong and if raid is conducted near Oriental Cinema, Bhai Randhir Singh Nagar, Ludhiana then above mentioned persons along with fake currency notes can be apprehended. According to the information received I ASI along with other police officials above mentioned persons were seen in i20 car white color bearing no. PB 10 HM 8996 near Oriental Cinema road and seeing the police persons they tried to flee the car and then govt vehicle was stationed in front of their car and then I along with other police officials got inquired their name and address by taking them out of the car and on driver seat told his name as Sohan Singh @ Soni son of Karnail Singh resident of House No. 3180, Agwar Ladhari, Near Rani wala Khuh, Jagroan, and on the next to drive seat person disclosed his name as Mandeep Singh @ Mannu son of Tarsem Singh resident of House No. 1860/19, Near Chungi no.05, Raikot Road, Agwar Gujran, Police Station City, Jagroan, District Ludhiana. I ASI tried to join independent witness from public, but no one was ready to join. Then I ASI checked black color bag in possession of Mandeep Singh @ Mannu and then from the polythene 200/200 rupees note 16 stacks and in each stack 100 notes and 100/100 Rupees note 19 stacks and each stack 100 notes and total amount Rs. 5,10,000/- was recovered. Then these fake Indian currency notes were put in black color bag and then put in cloth bag and parcel was prepared and were affixed with BS Seal and sample seal was prepared separately and the sample seal was handed over to police Official Jugraj Singh 3996/Ludhiana and the car was taken into possession by preparing memo. Above

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mentioned persons by preparing fake currency notes have duped innocent people and action be taken against them under Section 420, 489-A, 489-B, 489-C, 120-B IPC. Thereafter case be registered against them and ruqa be sent through hand constable Jaswant Singh 2886/Ludhiana and be sent to senior officials and Illaqa Magistrate. Sd/- Near Oriental Cinema, Bhai Randhir Singh Nagar, Ludhiana around 9:30 PM Sd/- Balveer Singh no. 26/Moga Police Station Sarabha Nagar, Ludhiana”.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He contends that the alleged recovery of fake notes amounting to Rs.5,10,000/- was effected from Mandeep Singh @ Mannu. The petitioner was simply a driver of the car. A co-accused, namely, Bakhtaur Singh had been granted the concession of interim anticipatory bail by this Court vide order dated 13.02.2024 (Annexure P-6). As the petitioner was a first-time offender, in custody since 03.01.2024 and none of the 15 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded in the near future. Therefore, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that a huge quantity of fake notes came to be recovered from the vehicle of which the petitioner was a driver. Therefore, the offence was *prima facie* established against the petitioner and his co-accused. He, however, concedes that the petitioner was a first-time offender, in custody since 03.01.2024, none of the 15 prosecution witnesses had been examined and that a co-accused/Bakhtaur Singh had been granted the concession of interim anticipatory bail vide order dated 13.02.2024 (Annexure P-6).

5. I have heard the learned counsel for the parties.

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6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, he is a first-time offender, in custody since 03.01.2024 and none of the 15 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded in the near future. In this situation, the further incarceration of the petitioner is not required, moreso, when a co-accused has been granted the concession of interim anticipatory bail vide order dated 13.02.2024 (Annexure P-6).
7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sohan Singh @ Soni is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case/crime other than the present one.
9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.
10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 13, 2024
sukhpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No